

REMARKS

Claims 1-29 are currently pending. Claims 1-26 stand rejected under 25 U.S.C. § 112, second paragraph. Claims 1-3, 5, 10-15, and 18-29 stand rejected under 35 U.S.C. § 102(b) and/or § 102(e) and claims 4, 6-9, 16, and 17 stand rejected under 35 U.S.C. § 103(a).

Claims 1, 3, 8, 9, 27, and 28 have been amended and claims 30-32 have been newly added as shown in the Status of the Claims section, *supra*. No new matter has been added. Support for claims 30-32 can be found in the Specification on page 18, lines 10-20.

SECTION 112, SECOND PARAGRAPH REJECTIONS

Claims 1, 3, 8, 9, and 28 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1, 3, 8, 9, and 28 have been amended to remove the offending phrase. Accordingly, the grounds for rejection are now believed to be moot.

SECTION 102(b) REJECTIONS

Claims 1, 2, 5, 13, 14, 19, 20, and claims 27-29 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 5,740,593 to Sheehan, et al. ("Sheehan"). In the alternate, claims 1-3, 5, 10-15, 19-23, 28, and 29 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 4,955,123 to Lawton, et al. ("Lawton") and claims 1-3, 5, 13, 14, 19-23, 28, and 29 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 4,790,052 to Olry ("Olry"). The

Applicant respectfully traverses the grounds for rejection in view of the above amendments and for the reasons provided below.

Independent claims 1, 27, and 28 recite methods for producing a fibrous preform that includes: moving a mold plate along a first linear direction in a plane relative to a needling device that is disposed out of said plane, during which movement the fiber material is needled; and permitting the mold plate to move in a second, transverse direction that is also on the plane.

Sheehan

The Sheehan patent discloses a needling process for forming fibrous preform structures. The Examiner asserts that the Sheehan mold plate (12) moves in a second (up or down) direction, which the Examiner claims is transverse to the direction of movement. Claims 1, 27 and 28 as amended, however, makes it clear that the second direction of movement of the mold plate is co-planar to the first direction of movement while the movement of the needle is out-of-plane. Thus, Sheehan does not teach, mention or suggest a co-planar second direction of movement.

Furthermore, claims 1, 27, and 28 recite that the mold plate contains a "discontinuous fiber material". Sheehan, however, merely discloses needling a stack of fibrous layers. See, e.g., Sheehan, col. 5, lines 7-13 and lines 39-42. Thus, Sheehan does not teach, mention or suggest needling discontinuous fiber material.

Accordingly, the Applicant maintains that claims 1, 2, 5, 13, 14, 19, 20, and claims 27-29 satisfy all of the requirements of 35 U.S.C. §§ 101, et seq. -- especially § 102(b) -- and are in condition for allowance. Withdrawal of the grounds for rejection is respectfully requested.

Lawton

With respect to Lawton, the Examiner defines a rotational direction as a first direction and an out-of-plane, vertical movement as a second direction. Claims 1, 27, and 28 as amended, however, make it clear that the second direction of movement of the mold plate is co-planar to the first direction of movement while the movement of the needle is out-of-plane. Thus, Lawton also does not teach, mention or suggest a co-planar second direction of movement.

Moreover, Lawton also does not teach that the mold plate contains a "discontinuous fiber material". On the contrary, Lawton merely discloses a stack of fibrous layers. See, e.g., Lawton, col. 15, lines 30-63. Thus, Lawton does not teach, mention or suggest needling discontinuous fiber material.

Accordingly, the Applicant maintains that claims 1-3, 5, 10-15, 19-23, 28, and 29 satisfy all of the requirements of 35 U.S.C. §§ 101, et seq. -- especially § 102(b) -- and are in condition for allowance. Withdrawal of the grounds for rejection is respectfully requested.

Olry

With respect to Olry, the Examiner asserts that a vertical, out-of-plane movement is a "second direction". Claims 1, 27, and 28 as amended, however, make it clear that the second direction of movement of the mold plate is co-planar to the first direction of movement while the movement of the needle is out-of-plane. Thus, Olry does not teach, mention or suggest a co-planar second direction of movement.

Accordingly, the Applicant maintains that claims 1-3, 5, 13, 14, 19-23, 28, and 29 satisfy all of the requirements of 35 U.S.C.

§§ 101, et seq. -- especially § 102(b) -- and are in condition for allowance. Withdrawal of the grounds for rejection is respectfully requested.

SECTION 102(e) REJECTIONS

Claims 1-3, 10, 13-15, 18-20, 24-26, and 28 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Number 6,948,221 to Fuchs ("Fuchs"). The Applicant respectfully traverses the grounds for rejection in view of the above amendments and for the reasons provided below.

The Fuchs patent was filed on June 22, 2004; published on January 20, 2005; and is based on an Austrian patent application filed on July 15, 2003. However, the instant invention claims priority to U.S. Provisional Patent Application Number 60/527,301, which was filed on December 8, 2003. Accordingly, with respect to § 102(e), Fuchs was neither patented nor described in a printed publication more than one year prior to the date of application of the instant application. The grounds for rejection are believed to be improper.

On the merits of the rejection, the Examiner asserts that Fuchs discloses a mold plate (5) that is movable along a second direction generally traverse to a first direction. Fuchs' "mold plate", however, does not contain a "discontinuous fiber material" as recited in the claims.

Accordingly, the Applicant maintains that claims 1-3, 10, 13-15, 18-20, 24-26, and 28 satisfy all of the requirements of 35 U.S.C. §§ 101, et seq. -- especially § 102(e) -- and are in condition for allowance. Withdrawal of the grounds for rejection is respectfully requested.

SECTION 103(a) REJECTIONS

Claim 4 and claims 6-8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sheehan; claim 4 and claims 6-9 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Lawton; and claims 16 and 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Fuchs in view of U.S. Patent Number 5,864,931 to Best, et al. ("Best"). The Applicant respectfully traverses the grounds for rejection in view of the above amendments and for the reasons provided below.

Claim 4 and Claims 6-9

The shortcomings of the Sheehan and Lawton patents as to independent claim 1 have been discussed above. For the same reasons that neither Sheehan nor Lawton anticipates the invention as claimed, they also do not make any of claims 4 or 6-9 obvious.

Accordingly, the Applicant maintains that claim 4 and claims 6-9 satisfy all of the requirements of 35 U.S.C. §§ 101, et seq. -- especially § 103(a) -- and are in condition for allowance. Withdrawal of the grounds for rejection is respectfully requested.

Claims 16 and 17

The shortcomings of the Fuchs patent as to independent claim 1, from which claims 16 and 17 depend, have been discussed above. Nor can Best make up for these shortcomings. More specifically, Best also does not teach, mention or suggest moving the mold plate in a second direction that is transverse to and co-planar with the first direction of movement.

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Accordingly, the Applicant maintains that claims 16 and 17 satisfy all of the requirements of 35 U.S.C. §§ 101, et seq. -- especially § 103(a) -- and are in condition for allowance. Withdrawal of the grounds for rejection is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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